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(4) Unions' submission part I.

(8) It has been the policy of Management to pay salaries based on racial grounds since the Railway was constructed in East Africa and these salaries have always borne relation to the E.A. Economy subsidy has even been provided by H.M. Government, until 1961 and the full cost was met by East Africa. It cannot be accepted that the expatriates had to be paid higher salaries because they would have received such higher salaries in their own countries of origin, on the contrary the salaries which they received and are receiving in East Africa are so high that the East Africa Governments could recruit hundereds of expatriates without any difficulty. If the argument to pay higher salaries to expatriates staff is because of their high standards of living, then it must be stated that the Africans too have now reached a stage where they have adopted the western high standard of living brought to them through the colonial educational system and having reached these standards they cannot be asked to revert back to the pre-colonial days standards.

(10) Unions have no quarrel with the expatriates officers receiving inducement pay over and above the standard basic salaries but the uniform basic scales for employees of all races as recommended by Lidbury and sustained by Flemming should also have been sustained by Harres, rather than putting the clock back to pre-Lidbury days of racial basic salary scales. It is this evil done by Harres which the Unions are fighting against.

(11) Although Lidbury and Flemming Commissions had the good intentions of eleminating the evils of racial discrimination by recommending uniform salary scales, the advancement of Africans to the higher ranks of salary scales was practically nill, until all the East African countries became independent thereby the

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the Africans did not enjoy the higher scales which were in existence before independence and when the African advancement was accelerated the scales were lowered so that they should never be able to enjoy those salaries which the expatriates in the higher ranks have always enjoyed and are still enjoying

(12) When E.A.R. & H. was manned by expatriates East African economy was financially capable of sustaining fat salaries but now local officers are to take over from them, we are being told the opposite, and this we are unable to accept.

(13) It is wishful thinking that salaries and wages can ever be unduly influenced by a certain class of people's standard of living. If European imported high standards of living in East Africa it is assumed that same standards of living had to be adopted by the indigenious people of these countries. It is therefore illogical for any civilised creature to argue that it is only Europeans who must always maintain a high standard of living, suggesting that both civilization and high standards of living are monopolies of the white skins.

(14) Sir Gilbert Flemming, K.C.B., an English man of high standing as any other expert of his time did his best in respect of Managements reference to (a) and (b) of this paragraph. If Management think that "the Commission carried out its function in respect of (a), it cannot be said that it did not do so with (b); this is ind eed absurd. 1. Flemming simply adopted Lidburys' salary scales with some increases. 2. Flemming saw there was no justification to devise a new salary structure for local service.

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If this was not acceptable to Management, why was it considered necessary to accept Flemming salary scales at that particular time and then reject them in less than one year's time.

(15) When ti comes to posts being taken over by local officers the advocacy of Management is for conditions of service to be reviewed. Such an argument, we must confess, ought to have been advanced more than a decade ago.

(16) (i) The question of comparing United Kingdoms' per capita income to that of East Africa is irrelevant. The question of comparing per capita income of various countries is irrelevant, as the circumstance in which the; income sustained are not the same. It is a habit of the E.A.R. & H. Management to make such comparisons, when its interests are considered best served. It is not a long time since we compared minimum wage structure in this country. The Management could not accept the comparison on the grounds that some firms are luxurious. Those same men earning fat salaries now tell us that the East African economy cannot sustain high salaries in the E.A.R. & H. yet during their time this has been the rule rather than the exception. In fact we are not interested in salaries higher than have been paid to our predecessors.

During these mens' time they never considered themselves as a privileged class, they never even bothered to raise the standard of living of the African masses; their reign is over they have reversed their arguments. What we have to be told is whether these salaries were specially devised for Europeans simply because they were Europeans, or their personal privilege or whether they were devised for officers who acquired requisite qualifications.

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(ii) The E.A.R. & H. should not be allowed to fool your Board at all. Because at the time it was operating on sound financial basis there was no mention of raising the standars of living for the employees with low incomes. At that time the argument was that E.A.R. & H. minimum wages were comparable with those ones paid by the governments but now when the Kenya Government raised its minimum wages Management adopted new tactics.

(iii) It is true that local people are and will continue to take over from overseas officers, the argument that they will "be receiving rapid promotion and will generally have less education, training and experience than the staff they are replacing" is irrelevant. It must be remembered that Africans in public services in other quarters and in Commerce were refused promotions to hold responsible jobs purely on racial basis. And we do not think that those who are now given public services achieve them simply because they happen to be Africans. If railways is doing this it is first a great pity and a confession of irresponsibility on the part of those whose duty it is to fill these vacancies with local people.

The facts are that railways cannot recruit graduates into group 'A' and superscales because their present salaries are not attractive enough. The Board should also know that most of the Europeans in the service, apart from Engineers, do not have any higher qualifications at all yet they are earning fantastic salaries which they could never get in their countries. To prove this as being correct; a number of them who resigned, could not get themselves into jobs in countries they call their home and were forced to return here and take jobs on contract terms

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(iv) Living conditions in East Africa for Europeans have been luxurious at the expense of the African people.

Thousands of the African workers now in East Africa no longer have any individual link with the land. They are completely depend ent on their employment incomes. African workers have been deliberately mispresented by Europeans, when they leave their wives in the reserves. The reason for leaving their wives in the reserves was that workers have not been adequately housed in urban towns. Eating, living and social habits ha ve been different because Africans have not been paid enough salaries to afford high standard of living.

Our African General Manager for example has just same eating, living and social habits as his predecessor. Why should he be paid a lower salary and benefits than his European predecessor?.

(v) The E.A.R. & H. receives a large number of applications because the East African countries are faced with an unemployment problem. This does not suggest that the E.A.R. & H. has any superior terms than the other industries. Indeed some of the other industries receive more application than E.A.R. & H. and the salaries vary from industry to industry. You will now see that the Government of Kenya has parted from this old colonial thinking of pacifying a minority settler group at the expense of workers. This good example has been followed by P & T and General Fund of the E.A.C.S.O. Their minimum wage is no where to be compared with the E.A.R. & H.

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(vi) The E.A.R. & H. is a major transportation monopoly in East Africa, it therefore has every opportunity to develop an efficient transport system. It is up to E.A.C.S. Authority to apply protective legislations, should the need arise. It is not the direct responsibility of the E.A.R. & H. Management to see how the East African wealth can be increased. This is the responsibility of the respective East African governments.

(vii) The lead taken by the E.A.R. & H. to reduce salary scales, never influenced Pratt to reduce salary scales of the Civil Servants in the Government of Kenya, General Fund of E.A.C.S.O. and in P. & T Administration. From the Sessional Papers, it is clear that the minimum wages have been considerably increased for the subordinate services. Salaries for graded scales at the bottom have also been increased excepting, of course, the middle and superscales where salaries have either remined as they were or some slight modifications been effected, thus improving the terms and conditions of services for the African Civil services.

Uganda Government has maintained a higher salary structure than a ny of the E.A.C.S.O. Administrations and far more superior conditions than what Tanzania and Kenya have so far been able to pay. This is not our argument. Why, say Tanzania has taken the right steps in the right direction. The fact is that the Adu Commission which the E.A.R. & H. Management praises so much never reduced salary scales in the service. The E.A.R. & H. should know that it is an inter-territorial service whose terms of service must be expected to be more superior than anything which the East African governments will be prepared to offer employees in their services.

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(viii) The advocacy and the hurry with which the Management wanted salaries scales to be reduced has put it in a most shameful position and that is why it does not want this Board to sit in the open for the fear of this advocacy reaching the ears of its staff. The then General Manager, deserves condemnation in the most primitive language. He is the one person who sold the African staff down the river under the pretext of the Authority. He is responsible for the deterioritating standards of work in the Railways to-day by having reduced the African salary scales so drastically while maintaining a high and separate salary structure for the non-Africans.

(17) "It should be understood that nothing which is said in this note is contrary to recognition of the fact that the E.A.R. & H. must have a salary structure which not only attracts and retains staff of the quality needed, but also recognizes through a salary differential the varying intensisties of responsibility which are required of different posts and classes of posts. It is for this reason Management believes that any action which the E.A.R.&H. takes (following the report of the Commission) will nullified to some extent if Governments and other large undertaking do not follow suit. As already indicated, however, Management believes that Governments are coming round to a way of thinking as outlined in this note and the E.A.R. & H. in making a start may give the necessary impetus to bringing about the change which appears to be so essential."

In the foregoing paragraph the E.A.R. & H. undertook to nullify the Commissions recommendations if the Territorial Governments took a different view from that one it recommended to the Harres Commission. Since Uganda, Kenya Governments, I & T and General Fund Administrations chose not to reduce ~~exis~~sting salary scales the E.A.R. & H. must therefore, we submit, be duty bound to honour its undertaking to the Commission.

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E.5(9)

REPLY TO MANAGEMENT'S SUMMARY IN PARAGRAPH 18.

a.... The expert faction of the Harris Commission consisted of the three foreign railway executives who, in spite of the claim of their independence and objectiveness, were necessarily influenced by their service as executives of British, German and Indian Railways. In addition to his probable management bias, these foreign experts had little or no knowledge of East African conditions. The three East African members of the Commission had no special knowledge of either railway or staff matters. The EARTH might have nominated for the Commission some person from, for instance, the ILO or UNESCO who had knowledge and experience of the effects of the proposed changes in EARTH upon the staff. Such a person might have injected an element of expert, non-managerial thinking into the Commission's terms of references. The staff-side position is that the Harris Commission was, therefore, not necessarily more a select commission, particularly in so far as Group "B" salary structure is concerned, than the present Board of Inquiry.

Additionally, the Harris Commission spent about 3-months in East Africa investigating the matters included within their terms of reference as shown on page (i) of the Report. The management seeks to imply that the Commission spent a great deal of time on Group "B" salary scales while that time spent by the present Board will be limited. If the Harris Commission gave the required attention to the numerous items included within their terms of reference, the Commission probably spent less time and made a less detailed study of Group "B" salaries than the present Board is likely to do.

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b.....The Staff-side accepted the Industrial Relations Machinery proposed for EA&H by the Whitnon Report in early 1962 under the impression that from that time onward all matters of wages, salaries and terms and conditions of service would be negotiated according to the provisions of that machinery. The management did not at that time, nor at any other time, indicate that future salary commissions might impose upon the staff wages, salaries and other terms and conditions of service and the staff-side would be barred by law from negotiating on such matters.

The Staff-side was , therefore, under the impression that the Report of the Harres Commission would be negotiated the subject of negotiation between the sides of the CJC before a White Paper was submitted on the Report. The Board should bear in mind that the EA&H had initiated the Commission, suggested the terms of reference and nominated the foreign experts for the Commission without consulting the Staff-side. The Board should also bear in mind that the machinery of both EACSO and EA&H Industrial Relations was new in 1962 and the Board should also realise that the Staff-side did not consider the possibility that EACSO might intervene directly into staff matters except under the most unusual circumstances. Yet, it now seems that the legal position of the EA&H Industrial Relations Machinery merely appears to grant the Staff-side the right to negotiate matters of wages, salaries and conditions and terms of service while, in fact, the EA&H can via EACSO impose such matters upon the staff without negotiation. The Staff-side requests that the Board comment upon this situation in its Report.

The Staff-side representatives came to the CJC of 25 June 1965

expecting to begin negotiations with management upon the recommendations of the Harroe Report but were informed that they could not negotiate concerning the Report until it had been accepted by the CLA. The CJC could only note points of agreement or disagreement with the recommendations. The Staff-side was therefore unexpectedly required to consider the Report from a standpoint different from that for which they had come prepared.

THE CJC agreed that whatever differences existed could later become the subject of negotiations after acceptance of the Report by the CLA. Here again the legal situation becomes important for the Staff-side would never have agreed that----"the recommended salary structure is suitable to the needs of the EARAH"-- had they not been assured that changes might be later negotiated. We are unsure whether the General Manager informed the Ministerial Committee of the CLA that the parties had agreed to begin negotiations on the Report as soon as it had been accepted by the CLA.

A reading of the minutes of the 25 June 1963 CJC meeting will show that there was considerable disagreement over the recommended salary scales, especially Group "C" scales. The agreement indicated in the White Paper was meant to indicate that there was general agreement on the overall structure while there remained considerable disagreement on individual or sectoral rates and grades. Admittedly, there was no challenge to Group B scales at this time but such a challenge can be implied from the changes which the Staff-side demands (increase in Group C minima to Shs. 250/ monthly) would have required within Group B.

o..... The management has indicated that the EARAH staff make-up is quite different from that of the governmental services and the EACSO

General Fund Services. EA R&H has always tended to insist that Railway salaries should be compared with those of government service and the lower-paying industries, but a technical service such as EA R&H must relate its salary structure to that of related industries. In the absence of comparable industries, salary scales should be roughly comparable with those of industry generally for similar occupations. The Staff-side in their claim has merely adopted the past contention of the management that Railway salaries should be roughly equal to those in government service.

d..... The Board is aware of the tremendous unemployment and under-employment existing in the three East African countries served by EAR&H. The Staff-side submits that though EAR&H may receive large numbers of applications for their advertised vacancies, this is not necessarily a testimony to the attractiveness of the terms proferred but may be rather an indication of the desperation of the applicants.

e..... The Staff-side agrees that the staff structure contains many inequities and submits that this is why so much time has been spent on efforts to raise Group "C" wages. We feel that this problem should not be attacked piece-meal but shouls await an overall plan for the whole of ~~them~~ East African Countries.

f..... The rationalisation of the economies of Kenya, Uganda and Tanganyika is not a matter which can be begun by the EAR&H. in isolation from other East African employers. It is rather a problem for the East African governments to whom the citizens look for leadership in such matters concerning the building of the new African societies and economies. We might point out that some governments have considered

making drastic reduction in the emoluments of government officials, parliamentarians and civil servants but all such plans have been dropped. This indicates that either the idea itself was wrong or the timing for such an action was inappropriate. Again, we say leave this re-alignment of the economies to the governments and once their policies are declared EARAH employees, as all East African citizens must comply with it.

g..... The Staff-side feels they have been mislead by management and their Job Evaluation Consultant and would wish no further delay to a solution of this dispute over Group B scales. We insist upon a reversion to Fleming scales and subsequent negotiation on re-grading of Group B posts.

h..... EARAH accepted the Fleming scales in 196 yet immediately rushed to establish another Commission to deal with the same matter. Any EARAH objection to the Fleming Report should have been officially raised before acceptance of the Report.

i..... The financial problems of EARAH is not a matter negotiable within the CJC and we feel that the emphasis given this subject before the Board has been too heavy. Staff-side feels that EARAH tarrifs should be high enough to make possible the payment of fair wages and salaries. We feel that the EARAH Act could be fruitfully reviewed in the light of the announced intention of the East African governments to develop an economic system based upon African Socialism.

Finally, we submit that no more weight should be given to the EARAH deficit than would be given to a surplus as large as the announced deficit.

EAR&H: Unions' Submission Part 1; Reply to Managements' Summary in Paragraph 18. 1965. TS Papers of African Trade Unions: East African Railways and Harbours (EAR&H) Box 1 B9/1-2. Nuffield College Library, Oxford University. Decolonization: Politics and Independence in Former Colonial and Commonwealth Territories, link.gale.com/apps/doc/RSYDQM383757092/DPIT?u=webdemo&sid=bookmark-DPIT&xid=ffa4bef0&pg=1. Accessed 4 Dec. 2022.